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OFFICE OF PETITIONS

In re Application of :  
Mark S. Shaskey Sr. :  
Application No. 10/671,974 : DECISION ON PETITION  
Filed: September 26, 2003 : PURSUANT TO  
Attorney Docket No.: SHASKEY- : 37 C.F.R. § 1.137(B)  
PA-1 :  
Title: APPARATUS TO FACILITATE :  
THE HOLDING OF LARGE BOTTLES :  
WITHOUT INTEGRAL HANDLES :

This is a decision on the petition filed July 24, 2007, pursuant to 37 C.F.R. § 1.137(b)<sup>1</sup>, to revive the above-identified application.

<sup>1</sup> A grantable petition pursuant to 37 C.F.R § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

### BACKGROUND AND PROCEDURAL HISTORY

The above-identified application became abandoned for failure to submit an Appeal Brief within two-months of the filing of a Notice of Appeal, filed on November 4, 2005. No extensions of time pursuant to 37 C.F.R. §1.136(a) were received. Accordingly, the above-identified application became abandoned on January 5, 2006. A Notice of Abandonment was mailed on July 13, 2006.

A petition pursuant to 37 C.F.R. § 1.137(a) was submitted on May 9, 2007, and was dismissed via the mailing of a decision on June 14, 2007.

### ANALYSIS

With the present petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. No terminal disclaimer is required.

Petitioner has further included a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, including a request for consideration of a concurrently submitted amendment and payment of the RCE fee. The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1). Having made a statement that is being construed as the proper statement of unintentional delay and having submitted the petition fee, petitioner has met all other requirements for a grantable petition under 37 C.F.R. § 1.137(b).

It follows that this petition is **GRANTED**.

### CONCLUSION

The application file is being forwarded to Technology Center 3652 for consideration of the submission under 37 C.F.R. § 1.114, the amendment filed on July 24, 2007.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted.

A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application.

For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225<sup>2</sup>. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.